

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:12-CV-141-D

ROBERT K. HERBERT,)
)
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
Defendant.)

ORDER

On June 24, 2013, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 28]. In the M&R, Judge Gates recommended that plaintiff’s motion for judgment on the pleadings [D.E. 23] be granted, that defendant’s motion for judgment on the pleadings [D.E. 25] be denied, and that the action be remanded to the Commissioner. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 28].

Plaintiff's motion for judgment on the pleadings [D.E. 23] is GRANTED, defendant's motion for judgment on the pleadings [D.E. 25] is DENIED, and the action is REMANDED to the Commissioner under sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 17 day of July 2013.



JAMES C. DEVER III
Chief United States District Judge